

## **REMARKS/ARGUMENTS**

Applicant responds herein to the Office Action dated September 9, 2004.

The objection to the title has been noted and the applicant has proposed a more descriptive title. However, the applicant is receptive to any other title that the Examiner might suggest.

Claims 1, 12, 13 and 15 stand rejected under 35 U.S.C. §102(e) as being anticipated by Yokonuma (6,359,651). Reconsideration of the rejections on art is requested in view of the amendments to the claims herein and the following remarks.

As amended herein, each of the independent claims in the application recites a limitation to the effect that the present invention performs its exposure condition control under a low-intensity condition. Thus, claim 1 recites that the setting means operates exclusively below a camera shake limitation parameter associated with the camera.

In marked contrast, the prior art relied upon carries out its exposure condition controls under very high-intensity conditions. More specifically, Yokonuma discloses an electronic camera using flash for exposure control. This electronic camera compares the main light emission time and the exposure time derived from the result of the preliminary light emission, and when the main light emission time is longer than the exposure time in the daylight synchro-shooting under the backlit condition, it reduces the main light emission time and controls to correct the quantity of underexposure as a result. By doing this, it is possible to prevent unnecessary light emission energy and smears involved when reading imaging signals.

Thus, Yokonuma is directed to a flash light intensity and gain adjustment in daylight synchro-shooting under high-intensity conditions. In contrast, the present invention is directed to flash light intensity and gain adjustment in daylight synchro-shooting under low-density conditions. Although these two are the same in that they are both directed to flash light intensity and gain adjustment, things to be considered are greatly different depending on whether it is under high intensity or low intensity.

That is, in daylight synchro-shooting, since a long light emission time is required in a short exposure time, the light emission time may become longer than the exposure time. If the

flash light emission time is reduced, there will be insufficient exposure, thereby increasing gain in order to obtain adequate exposure.

On the other hand, in flash photography under low-intensity conditions, a long light emission time will be applied to the long exposure time, and thus, as the intensity becomes lower, the limitation of the upper limit of the flash light emission time becomes dominant. Accordingly, the gain is increased in order to increase the permissible range of exposure.

Based on the foregoing, it is respectfully submitted that none of the independent claims in the application, including newly presented claim 16 and its dependent claims 17-18 can be said to be anticipated by the aforementioned reference, for the reasons indicated.

It is noted further that claims 5, 8, 10 and 11 were rejected on grounds of obviousness over the aforementioned reference. Reconsideration is requested.

In addition to the aforementioned remarks, which are of course applicable to these dependent claims, it is further noted that Yokonuma teaches only what is described above, and does not disclose or suggest that an alarm is issued. The Examiner has acknowledged this fact, and has further stated that the feature wherein "an alarm turns on when a gain in a camera circuit is changed" is well known. However, there is great significance in giving an alarm in advance, since if the gain increases, the image quality degrades due to the increase of the noise in the imaging signals. Therefore, this feature is not obvious.

Accordingly, the Examiner is respectfully requested to reconsider the application, allow the claims and pass this case to issue.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on December 9, 2004

Max Moskowitz

Name of applicant, assignee or  
Registered Representative

Signature

December 9, 2004

Date of Signature

Respectfully submitted,

MAX MOSKOWITZ

Registration No. 30,576

OSTROLENK, FABER, GERB & SOFFEN, LLP

1180 Avenue of the Americas

New York, New York 10036-8403

Telephone: (212) 382-0700